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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,321	03/06/2002	Giampaolo Lauria	POU920010126US1	9007
23334	7590	07/09/2004	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			LU, KUEN S	
			ART UNIT	PAPER NUMBER
			2177	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/092,321

Applicant(s)

LAURIA ET AL.

Examiner

Kuen S Lu

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because the heading of the Abstract: "Abstract of the Invention". The heading should be "Abstract" or "Abstract of the Disclosure". Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U. S. C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-5, 11-13 and 18-20 are rejected under U. S. C. 102(e) as anticipated by Achiwa et al. (U. S. Publication 2003/0110190, hereafter "Achiwa").

As per claims 1, 11 and 18, Achiwa teaches the following:

"automatically maintaining a file system" at the Abstract and Page 4, [0048] where a scheduled event triggers the maintenance of a file system;

"selecting files from the file system for deletion so as to achieve a predetermined usage level for the file system" at Page 4, [0049] and [0051] where files in a master list are moved the server and then deleted from the client; and

"deleting the files that were selected, wherein the selecting step and the deleting step are performed automatically according to a maintenance schedule" at Page 4, [0048] where the file system maintenance is triggered by a scheduled event and files are

selected from a master list which is created in response to the triggering event (Page 7, [0078]).

As per claims 2, 12 and 19, Achiwa teaches the following:

“sorting the files using a sorting algorithm to produce a sorted list of files” at Fig. 12, element 1214, and Page 9, [0099] where a list of the files on the client system is created and sorted by ‘atime’, a parameter of the time when the file is lastly accessed in BSD operating system (Page 5, [0056]) ; and

“selecting files beginning at the top of the sorted list until deletion of the selected files would achieve the predetermined usage level for the file system” at Fig. 12, elements 1203 and 1208, and Page 9, [0099] where files in the list are moved to the server until a free percentage threshold, for example, 20%, is reached.

As per claim 3, Achiwa teaches “sorting algorithm sorts files by file date or file size” at Fig. 12, element 1214, and Page 9, [0099] where a list of the files on the client system is created and sorted by ‘atime’, a parameter of the time when the file is lastly accessed in BSD operating system (Page 5, [0056]).

As per claim 4, Achiwa teaches “the predetermined usage level specifies a percentage of usage of the file system or an amount of usage of the file system” at Fig. 12, element 1203 and Page 9, [0099] where the threshold of the capacity of storage at the client system is a predetermined value.

As per claim 5, Achiwa teaches “the predetermined usage level specifies a percentage by which to reduce usage of the file system or an amount to reduce usage of the file system” at Fig. 12, elements 1203 and 1208, and Page 9, [0099] where the

threshold of the capacity of storage at the client system is a predetermined value by which the available capacity on the client side should reach before the file deletion operation is to stop.

As per claims 13 and 20, Achiwa teaches "the predetermined usage level specifies a percentage of usage of the file system or an amount of usage of the file system" at Fig. 12, element 1203 and Page 9, [0099] where the threshold of the capacity of storage at the client system is a predetermined value and "the predetermined usage level specifies a percentage by which to reduce usage of the file system or an amount to reduce usage of the file system" at Fig. 12, elements 1203 and 1208, and Page 9, [0099] where the threshold of the capacity of storage at the client system is a predetermined value by which the available capacity on the client side should reach before the file deletion operation is to stop.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U. S. C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 6-10, 14-17 and 21-23 are rejected are rejected under U. S. C. 103(a) as being unpatentable over Achiwa et al. (U. S. Publication 2003/0110190, hereafter "Achiwa"), as applied to claims 1-5, 11-13 and 18-20, and further in view of Thompson et al. (U. S. Patent 5,930,514, hereafter "Thompson").

As per claims 6, 14 and 21, Achiwa teaches the threshold of the capacity of storage at the client system is a predetermined value at Fig. 12, element 1203 and Page 9, [0099].

Achiwa does not specifically teach "receiving the predetermined usage level" through "from a user".

However, Thompson teaches using graphical user interface to interact with and communicate with the application program at col. 3, lines 20-25.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Thompson's reference with Achiwa's by using GUI to enter parameters for application program in an interactive fashion because by doing so the users of Achiwa's system would have been able to operate flexibly, including dynamically setting the operating parameters, such as the available capacity, maintenance schedule, maintenance interval and selection of file systems.

As per claims 7, 15 and 22, Achiwa teaches "receiving a selection of a main target" and "the main target identifying a portion of the file system that is to be maintained, wherein the selecting step and the deleting step are performed on the main target" at Figs. 17A-17C and Page 10, [0113] where the least or the most available capacity file system is selected for maintenance.

As per claims 8 and 23, Achiwa teaches "receiving a selection of at least one additional target" and "each additional target identifying another portion of the file system that is to be maintained, wherein the selecting step and the deleting step are also performed on the additional target" at Figs. 17A-17C and Page 10, [0113] where part of the process involves selecting the least available capacity file system is selected for maintenance and the rest of the process involves the most available capacity file system.

As per claims 9 and 16, Achiwa teaches "receiving the maintenance schedule" at the Abstract and Page 4, [0048] where a scheduled event triggers the maintenance of a file system.

As per claims 10 and 17, Achiwa teaches "maintenance schedule specifies that the selecting step and the deleting step are performed automatically at a defined periodic interval or at a plurality of defined times in the future" at Page 4, [0048] where the event for triggering file system maintenance is scheduled to performed periodically.

### **Conclusions**

#### 4. The prior art made of record

A. U. S. Publication 2003/0110190

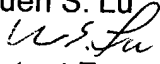
B. U. S. Patent No. 5,930,514

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

C. U. S. Patent No. 6,023,744

D. U. S. Patent No. 6,247,024


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 703-305-4894. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kuen S. Lu  
  
Patent Examiner

June 26, 2004

Jean R. Homere, Esquire  
Primary Examiner

June 26, 2004

  
JEAN R. HOMERE  
PRIMARY EXAMINER